

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re:

Pete McCullough III
XXX-XX-3714

Case No. 19-80670 CRJ 7

Chapter 7

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

PLEASE TAKE NOTICE THAT, if you object to the relief requested in this motion (the "Motion"), you must file an objection with the Clerk of Court (an "Objection") within **30** days of the date of service of the Motion (the "Objection Deadline"), and you must serve the Objection on the filer and all other appropriate persons. If you received service of the Motion by mail, three days are added to your Objection Deadline by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure (the "Rules"). If your Objection Deadline falls on a Saturday, Sunday, or legal holiday, your Objection Deadline shall not expire until the end of the day that is not a Saturday, Sunday, or legal holiday, pursuant to Rule 9006(a).

PLEASE TAKE FURTHER NOTICE THAT Objections must be filed with the Clerk of Court electronically, by hand delivery, or by mail. The Clerk's Office is located at 400 Well Street, Decatur, Alabama 35601. If you mail your Objection to the Clerk's Office, you must send the Objection in time for the Clerk's Office to **receive** your Objection by your Objection deadline. The Court will not consider any untimely Objections.

PLEASE TAKE FURTHER NOTICE THAT, if you timely file and serve an Objection, the Court will hold a hearing to consider the Motion and your Objection, and the Clerk's Office will notify you, and all other appropriate persons, of the time, date, and place of the hearing. **If you fail to file an Objection by the Objection Deadline, you will be deemed to have admitted the allegations in the Motion, and the Court may grant the relief requested in the Motion without a hearing.**

**SECTION 522(f) MOTION TO AVOID JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE MONEY
SECURITY INTEREST AND DETERMINE SECURED STATUS**

Check one.

- ☒ **Total Lien Avoidance.** Debtor(s) seek to totally avoid the judicial lien or nonpossessory, nonpurchase money security interest (the "Lien") securing the claim listed below (the "Claim") because the Lien impairs the Debtor(s)' available exemption(s) and the extent of the impairment equals or exceeds the amount of the Lien. Upon entry of an order granting the Motion, the Lien will be avoided in its entirety, and, unless otherwise ordered, the Claim, to the extent allowed, will be treated as wholly unsecured. *See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). (This section should be used if, after deducting the amount(s) of Debtor(s)' available exemption(s) and of any mortgage lien(s) or other unavoided lien(s) and security interest(s) that encumber the subject property, Debtor(s) have no equity in the property.)*

Name of creditor	Amount of Lien	Proof of claim number (if a claim is filed)	Property description (see Debtor(s)' schedules for the property value(s) and information regarding the mortgage(s) and other lien(s) and security interest(s) that encumber the property)	Lien identification (such as date of Lien recording, book and page number, county of recording)
1st Franklin	\$1,146.00		misc household goods	12/2017 Act # 369002351102

CERTIFICATE OF SERVICE

I hereby certify that on April 05, 2019 a copy of the Motion was served on the above-named creditor by the means specified below:

Creditor Name and Address <small>(If the creditor is an entity other than an Insured Depository Institution ("IDI")*, identify the officer, managing agent, general agent, or other agent authorized to receive process to whose attention service was made. If the entity is an IDI, identify the officer to whose attention service was made via certified mail.)</small>	Method of Service
1st Franklin Attn: Bankruptcy PO Box 880 Toccoa, GA 30577	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail No: _____

I also certify that on _____ I mailed a copy of the Motion by First Class Mail to the notice address listed on the creditor's proof of claim:

☒ **Not applicable.** (The creditor has not filed a proof of claim as of the date hereof.)

☐ **Applicable.** (Include the notice address served in the below provided space.)

I also certify that on April 05, 2019 the chapter 7 trustee received notice of the Motion via the Court's CM/ECF system.

I also certify that on _____ I served the Motion on the following interested parties by the means specified below (include the attorney for any committee appointed in the case):

☒ **Not applicable.**

☐ **Applicable.** (Include the name, address, and method of service.)

Name and Address	Method of Service
	First Class Mail

Under penalty of perjury, I declare that the foregoing is true and correct.

April 05, 2019

Date

/s/ Jeffrey B Irby

Signature of Debtor(s) or Debtor(s)' Attorney

*Most IDIs are banks, credit unions or savings & loan associations.

**THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:	Pete McCullough III)	CASE NO.: 19-80950-CRJ 7
	XXX-XX-3714)	
)	CHAPTER: 7
)	
	DEBTOR.)	

**DEBTOR'S DECLARATION TO AVOID LIEN PURSUANT TO 11 U.S.C. §
522(f)(2)**

My name is Pete McClough III. I do hereby certify that I am over the age of nineteen and that, based on my personal knowledge as the 100% owner of miscellaneous items listed the security agreement filed by **First Franklin Finance**. These items are a nonpossossory, nonpurchase-money security interest.

Dated: 4/5/2019

/s/: Pete McClough III
Pete McClough III, Debtor